FILED ____ENTERED ______RECEIVED OCT 9 2003

AT SEATTLE COURT WESTERN DISTRICT OF WASHINGTON

DEPUTY

ORDER
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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE: PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION,

This document relates to:

See Appendix A

MDL NO. 1407

ORDER OF DISMISSAL WITH PREJUDICE FOR FAILURE TO COMPLY WITH CMO 6

THIS MATTER comes before the court on the motion for dismissal with prejudice for failure to comply with court-ordered discovery filed by defendants Bayer Corporation; Novartis Consumer Health, Inc., Novartis Pharmaceuticals Corporation, and Novartis Corporation; SmithKline Beecham Corporation dba GlaxoSmithKline, GlaxoSmithKline Consumer Healthcare, L.P., SmithKlith Beecham Consumer Healthcare, L.P., GlaxoSmithKline Consumer Healthcare, L.L.C. and SmithKline Beecham Holdings Corporation; Block Drug Company, Inc. and Block Drug Corporation (collectively "defendants"). Having reviewed the pleadings filed in support of and in opposition to this motion, the court finds and rules as follows:

I. BACKGROUND

On March 18, 2002, the court entered Case Management Order ("CMO") 6, in which the court set a schedule and protocol for



01-MD-01407-ORD

conducting all case-specific fact discovery within MDL 1407. Specifically, CMO 6 requires each plaintiff in every case to complete a Plaintiff's Fact Sheet ("PFS") and serve it upon defendants within forty-five days of receipt of the PFS. CMO 6 also provides that, should a plaintiff fail to serve a PFS within the time allowed, defendants shall send a warning letter and move for appropriate relief if plaintiff fails to respond within thirty days after the warning letter is sent.

Defendants now move pursuant to Federal Rules of Civil Procedure 37 and 41 to dismiss the plaintiffs identified in Appendix A of this order for failure to comply with CMO 6. Various plaintiffs filed oppositions to defendants' motion.

II. DISCUSSION

Before dismissing a case for non-compliance with courtordered discovery, the court must weigh five factors: (1) the
public's interest in expeditious resolution of litigation; (2)
the court's need to manage its docket; (3) the risk of prejudice
to the defendants; (4) the public policy favoring disposition of
cases on their merits; and (5) the availability of less drastic
sanctions. Malone v. United States Postal Serv., 833 F.2d 128,
130 (9th Cir. 1987).

¹ In response to some oppositions, defendants filed a second revised motion for dismissal, withdrawing their motion as to certain plaintiffs. Therefore, this order does not address those plaintiffs who have been voluntarily withdrawn from defendants' motion to dismiss.

The plaintiffs subject to defendants' motion to dismiss were served with a PFS on or before April 15, 2003. See Defs.' Mot., Attach. A. The fact sheets were due on or before May 30, 2003.

Id. Defendants sent warning letters to the plaintiffs asking for completed fact sheets. Id.

Plaintiffs proffer a variety of excuses for their failure to comply with CMO 6, including, inter alia, the difficulty in locating clients, the debilitating nature of the injuries at issue, and their obligations under CMOs 13 and 15. Additionally, a number of plaintiffs object to dismissal based on their submission of a PFS. However, most of these individuals submitted a PFS only after defendants filed their motion to dismiss. At no time prior to the filing of defendants' motion did any of the plaintiffs at issue request additional time in which to complete a PFS from either defendants or the court. Additionally, the court notes that plaintiffs' CMO 13 and 15 obligations stem from their own choice to file mass-joinder cases against numerous defendants.

Accordingly, the court finds that dismissal is appropriate in light of the factors set forth in Malone. First, both the public's interest in the expeditious resolution of litigation and the court's need to manage its docket dictate dismissal. Many of the cases subject to this order have been on file for close to or over a year. During that time, plaintiffs have not moved their cases forward. Such lack of diligence does not serve the public interest in expeditious resolution of litigation. See Yourish v.

California Amplifier, 191 F.3d 983, 990 (9th Cir. 1999) ("dis-missal in this instance serves the public interest in expeditious resolution of litigation as well as the court's need to manage the docket because Plaintiff's noncompliance has caused the action to come to a complete halt, thereby allowing Plaintiff to control the pace of the docket rather than the Court").

Second, the unreasonable delay in completing the fact sheets prejudices the defendants' ability to proceed with the cases effectively. The PFS is designed to give each defendant the specific information necessary to defend the case against it. Without that discovery device, a defendant is unable to mount its defense because it has no information about the plaintiff or the plaintiff's injuries outside the allegations of the complaint. The unreasonable delay in producing this information, therefore, severely prejudices the defendants, warranting dismissal.

Pagtalunan v. Galaza, 291 F.3d 639, 642-43 (9th Cir. 2002).

Third, inasmuch as the disposition of cases should be on the merits, here, in light of the inability of many of the named plaintiffs to provide any information regarding the critical elements of their claims, it is impossible to dispose of the cases on the merits. Plaintiffs are uniquely in the possession of the information being sought. Their inability or unwillingness to furnish this information in a timely fashion is not excusable. See In re Exxon Valdez, 102 F.3d 429, 433 (9th Cir 1996) ("policy [of disposing cases on their merits] lends little support to appellants, whose total refusal to provide discovery ORDER

obstructed resolution of their claims on the merits.") Also, for those plaintiffs who only belatedly provided fact sheets, defendants describe these fact sheets as insufficient and incomplete.

Last, there are no less drastic sanctions remaining. All of the named plaintiffs received warning letters from defendants.² These letters prompted no response. The court already imposed the sanction of preventing remand of the cases where discovery requirements have not been met. See CMO 10 ¶ 2 (Nov. 21, 2002). The court also ordered that the time for completing case-specific discovery will not begin to run until a substantially complete PFS has been provided to defendants. Id. ¶ 3. And now, even at the doorstep of dismissal, many of the named plaintiffs still fail to comply with CMO 6. Where the court has been lenient and provided plaintiffs with second and third chances following procedural defaults, "further default[] may justify imposition of the ultimate sanction of dismissal with prejudice." Malone, 833 F.2d at 132 n.1 (quoting Callip v. Harris County Child Welfare Dep't, 757 F.2d 1513, 1521 (5th Cir. 1985)).³

² Counsel for plaintiff Irvin Malone assert that they did not receive a warning letter from defendants and urge the court to accept Malone's late filed PFS for this reason. However, because plaintiff provides no excuse whatsoever for his late filing, the mere assertion that counsel did not receive a warning letter does not justify his submission of a PFS after defendants filed their motion to dismiss.

³ Objections were also lodged as to two plaintiffs who timely submitted a PFS in particular cases. The court agrees that the claims of plaintiff Dorothy Warren should be dismissed for her failure to serve a PFS in the matter of <u>Everidge v. Bayer</u>

Accordingly, the court finds it appropriate to dismiss plaintiffs' claims against all defendants with prejudice. the foregoing reasons, defendants' motion to dismiss for failure to comply with court-ordered discovery is GRANTED. The claims by the plaintiffs listed in Appendix A are DISMISSED against all defendants with prejudice.

DATED at Seattle, Washington this 22 day of October, 2003.

Butter Mothetew.

BARBARA JACOBS ROTHSTEIN UNITED STATES DISTRICT JUDGE

Corp., et al., No. 02-1858 (as opposed to the PFS she submitted in Rowe v. Bayer Corp., et al., No. 02-1857). Also, the claims of Rosetta Marrero in the matter of Rowe are appropriate for dismissal given the ambiguous and insufficient PFS submitted.

Bayer, Block, GSK, and Novartis' Plaintiffs

| State | Case Name | Plaintiff Name | MDL Docket Number | Date PFS Served | Date PFS Due | Warning |
|------------------------|---------------------|--------------------------------------|--------------------------------|--------------------|--|--|
| Alahama | Claver Journ | Glover- Joyce | C02-2588 | 3/24/2003 | 5/5/2003 | 5/12/2003 |
| Alabama | Glover- Joyce | Giovei- Juyce | 002-2300 | 0/24/2000 | 5/5/2000 | |
| Alabama | Johnson- Ernest Vel | Johnson- Ernest Vel | C03-0197 C02-0019 (now C03- | 4/7/2003 | 5/22/2003 | 5/29/2003 |
| Alabama | Waters- Gregory | Cordner- Terry | 1406) | 3/21/2002 | 5/6/2002 | 5/16/2002 |
| California | Shubin- Alex | Shubin- Alex | C02-0521 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| California | Wischmeyer- Ronald | Wischmeyer- Ronald | C02-0523 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| Louisiana | Ackel- Leslie | Amar- Ciera | C02-1856 | 10/4/2002 | 11/18/2002 | 12/2/2002 |
| Louisiana | Ackel- Leslie | Amar- Shacara | C02-1856 | 10/4/2002 | 11/18/2002 | 12/2/2002 |
| Louisiana | Ackel- Leslie | Amar- Vidal | C02-1856 | 10/4/2002 | 11/18/2002 | 12/2/2002 |
| Louisiana | Adams- Barbara | Allgrunn- Jeremy | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| LUUISIAHA | Adams- Darbara | Aligitatin- seremy | C02-2375 (now C03- | | | - |
| Louisiana | Adams- Barbara | Anderson- Clifton | 1550) | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Anderson, Jr Leon | C02-2375 (now C03- 1549) | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Blakes- Charlie | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Carter- Willie Mae | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Dilliard Jr Al | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Dilliard Jr Saul | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Epps- Patricia | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Adams- Barbara | Evans- Clint Jr. | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Adams- Barbara | Hardman- Melvina | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Hollingsorth- Blanchard | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Hoover-Travis | C02-2375 (now 03- 1990) | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Howard- Elizabeth | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Lafayette- Kenneth | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | McCoy- Donnie | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Mitchell- Connie | | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Adams- Barbara | Oliver- Mary B. | <u> </u> | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams-Barbara | Smith- Janie o/b/o Larry D. Smith | C00 2275 (now C02 | | 4/21/2003 | 5/9/2003 |
| Louisiana | Adams- Barbara | Patterson- Gracie | | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Adams- Barbara | Pinnix- Evelyn | | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Adams- Barbara | Savage- Frank | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Adams- Barbara | Savage- Joana | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Adams- Barbara | Smith- Larry | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Adams- Barbara | Williams- James B. | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana _ouisiana | Adams- Barbara | Williams- Jessie | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Andry- Kathleen | Andry- Warren | C02-0776 | 4/8/2002 | 5/24/2002 | 6/18/2002, 6/26/2002, 7/26/2002 |
| _ouisiana | Ashley- Angela | Jackson- Winfield | C02-0790 | 4/8/2002 | 5/24/2002 | 6/17/2002, 10/30/2002, 11/4/2002 |
| ouisiana | Ashley- Billy | Ashley- Daisy | C03-1541 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| _ouisiana | Ashton- Joyce | Johnson- Brittany | C02-1860 | 10/16/2002 | 12/2/2002 | 5/12/2003 |

Bayer, Block, GSK, and Novartis' Plaintiffs

| State | Case Name | Plaintiff Name | MDL Docket Number | Date PFS Served | Date PFS Due | Warning |
|-----------|-------------------|----------------------------------|----------------------|--------------------|-----------------|---------------------------------------|
| Louisiana | Ayers- Mable | Ayers- Mable | C02-1767 | 6/25/2002 | 8/9/2002 | 11/4/2002 |
| Louisiana | Ballard- Helen | Ballard- Helen | C03-1791 | 1/30/2003 | 3/17/2003 | 5/9/2003 |
| Louisiana | Bates- Melvin | Bates- Melvin | C03-1554 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Battiste- Mary | Battiste- Mary | C03-1760 | 1/30/2003 | 3/17/2003 | 5/9/2003 |
| Louisiana | Beals- Emanuel | Landry- Regina (Individually) | C02-0787 | 4/8/2002 | 5/24/2002 | 6/17/2002, 11/4/2002 |
| Louisiana | Beals- Emanuel | Landry- Sumar | C02-0787 | 4/8/2002 | 5/24/2002 | 6/17/2002 |
| Louisiana | Bickham- Barbara | Bickham- Barbara | C03-1560 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Bickham- Clarice | Pierre- Gwendolyn | C02-0907 | 5/21/2002 | 7/5/2002 | 8/23/2002 |
| Louisiana | Burbel- Edward | Burbel- Edward | C02-0258 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Louisiana | Burbel- Edward | Coleman- Shelby Sr. | C02-0258 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Louisiana | Burbel- Edward | Gooseberry- Lee | C02-0258 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Louisiana | Burbel- Edward | McBride- Marie | C02-0258 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Louisiana | Burbel- Edward | Swain- Melford Jr. | C02-0258 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Louisiana | Burbel- Edward | Walker- Jane | C02-0258 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Louisiana | Burbel- Edward | Watts- Marshall | C02-0258 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Louisiana | Burton- Elizabeth | Burton- Elizabeth | C03-2205 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Bush- Cynthia | Bush- Cynthia | C03-2203 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Byrd- Mike | Burns- Brady Scott | C02-2371 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Byrd- Mike | Este- Richard John | C02-2371 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Byrd- Mike | Pierre- Gwendolyn | C02-2371 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Byrd- Mike | Self- Delmer Deloris | C02-2371 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Cain- Mitchell | Cain- Mitchell | C03-2037 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Carroll- Vera Mae | Carroll- Vera Mae | C03-2032 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Coleman- Rosie | Coleman- Bobby | C02-2375 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Colvin- Billy | Colvin- Billy | C02-2155 | 3/24/2003 | 5/8/2003 | 5/12/2003 |
| Louisiana | Corbin- John | Corbin- John | C02-1745 | 7/2/2002 | 8/16/2002 | 11/4/2002 |
| Louisiana | Cupstid- Milton | Cupstid- Milton | C03-2201 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Davis- Clara | Davis- Clara | | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Davis- Jim | Davis- Jim | C02-1021 | 6/6/2002 | 7/22/2002 | 8/14/2002, 8/20/2002, 9/18/2002 |
| Louisiana | Davis- Ruby | Davis- Ruby | C03-1770 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Davis- Shellie | Davis Jr Shellie | C03-1894 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Deloach- Robert | Deloach Jr Robert | C03-1768 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Earl- Clara (1) | Messerole- Deanne | C02-1367 | 7/26/2002 | 9/9/2002 | 6/17/2002, 11/4/2002 |
| Louisiana | Earl- Clara L. | Earl- Clara L, | C02-2150 | 12/6/2002 | 1/20/2003 | 3/10/2003 |
| Louisiana | Edwards- Emma | Edwards- Emma | C03-1766 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Everidge- Betty | Warren- Dorothy | C02-1858 | 10/4/2002 | 11/18/2002 | 12/2/2002 |
| Louisiana | Everidge- Betty | Weiss- Kevin | C02-1858 | 10/4/2002 | 11/18/2002 | 12/6/2002 |
| Louisiana | Farley- Arlene | Farley- Arlene | | 3/6/2003 | 4/21/2003 | 5/9/2003 |

Bayer, Block, GSK, and Novartis' Plaintiffs

| State | Case Name | Plaintiff Name | MDL Docket Number | Date PFS Served | Date PFS | Warning |
|-----------|---------------------|------------------------|----------------------|--------------------|------------|------------|
| Louisiana | Fleming- Althea | Fleming- Althea | C02-1750 | 7/2/2002 | 8/16/2002 | 11/4/2002 |
| Louisiana | Frank- Timothy | Frank- Timothy | C02-1779 | 7/2/2002 | 8/16/2002 | 11/4/2002 |
| Louisiana | Garcie- Joe | Garcie- Joe | 01-2055 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| Louisiana | Harmon- Jewell | Harmon- Jewel E. | C03-2199 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Harris- Minnie | Ford- Johnny | C03-1905 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Howard- Elizabeth | Howard- Elizabeth | C03-1975 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Isgitt- Lillian | Isgitt- Lillian Sue | C03-1831 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Johnson- Liticia | Johnson- Liticia | C02-1765 | 9/9/2002 | 10/24/2002 | 11/4/2002 |
| Louisiana | Jones- Billy Ray | Jones- Billy Ray | C03-1496 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Kane- Katherine | Kane- James | C03-1477 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Lafayette- Kenneth | Lafayette- Kenneth | | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Lambremont- Robert | Lambremont- Robert | C02-1746 | 7/2/2002 | 8/16/2002 | 11/4/2002 |
| Louisiana | Landry- Annie | Landry- Annie | C02-1859 | 10/16/2002 | 12/2/2002 | 12/17/2002 |
| Louisiana | Landry- Annie | Martin- Gloria | C02-1859 | 10/16/2002 | 12/2/2002 | 12/17/2002 |
| Louisiana | Landry- Annie | Metzler- Earl | C02-1859 | 10/16/2002 | 12/2/2002 | 12/17/2002 |
| Louisiana | Leatherman- Kelvin | Leatherman- Kelvin | C02-1759 | 5/21/2002 | 7/5/2002 | 7/29/2002 |
| Louisiana | Lee- Robert | Lee- Robert | C02-1727 | 6/25/2002 | 8/9/2002 | 11/4/2002 |
| Louisiana | Lewis- Frank Joseph | Lewis- Frank Joseph | C03-1498 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Malveaux- Rayfield | Miles- Denoy | C02-2372 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Maxie- Francie | Maxie- Francie | | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | McCullough- Ellen | Businelle- Brenda | C02-2595 | 3/11/2003 | 4/25/2003 | 5/9/2003 |
| Louisiana | McCurley- Vicky | McCurley- Vicky | C02-2153 | 3/24/2003 | 5/8/2003 | 5/12/2003 |
| Louisiana | McNeal- Clarice | McNeal- Clarice | C03-1501 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Metevia- Jacqueline | Metevia- Jacqueline | C02-1756 | 5/21/2002 | 7/5/2002 | 7/29/2002 |
| Louisiana | Miley- Fred | Miley- Fred | C03-1776 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Monk- Henry | Monk- Henry | C01-1795 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| Louisiana | Moore- Malvine | Moore- Malvine | C01-2058 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| Louisiana | Montgomery- Charles | Montgomery- Charles | C03-1502 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Norwood- Agatha | Norwood- Agatha | C02-1758 | 5/21/2002 | 7/5/2002 | 7/29/2002 |
| Louisiana | Pennywell- M.J. | Pennywell- M.J. | | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Pier- Margie | West- Essie | C02-2373 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Register- Earl | Register- Earl | C02-2149 | 12/6/2002 | 1/20/2003 | 3/10/2003 |
| Louisiana | Richardson- Stella | Richardson- Stella | C03-1778 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Rodriquez- Annaise | Rodriguez- Annise | C03-1485 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Rollins- Betty | Rollins- Betty | C02-1736 | 6/25/2002 | 8/9/2002 | 11/4/2002 |
| Louisiana | Rowe- Renita | Marrero- Rosetta | C02-1857 | 10/4/2002 | 11/18/2002 | 12/6/2002 |
| Louisiana | Saverin- Dora | Rout- Rosemary | C02-2594 | 3/24/2003 | 5/8/2003 | 5/12/2003 |
| Louisiana | Saverin- Dora | Saverin- Dora | C02-2594 | 3/24/2003 | 5/8/2003 | 5/12/2003 |
| Louisiana | Savoie- Charlene | Savoie- Charlene | C02-1738 | 6/25/2002 | 8/9/2002 | 11/4/2002 |
| Louisiana | Scott- Kathy | Garner- Laverne | | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Scott- Samuel | Scott- Samuel | | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Seal- Christine | Seal- Christine | C03-1486 | 1/30/2003 | 3/17/2003 | 4/1/2003 |

Bayer, Block, GSK, and Novartis' Plaintiffs

| State | Case Name | Plaintiff Name | MDL Docket | Date PFS | Date PFS | Warning |
|-------------|---------------------------------|---------------------------------|------------|------------|------------|-------------------------|
| | | | Number | Served | Due | |
| Louisiana | Smith- Duncan | Smith- Duncan | C03-1784 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Smith- Jacqueline | Smith- Charlie | C03-1673 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Smith- Janie | Smith- Larry D. | C03-1670 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Smith- Juanita | Bradford- Clyde | C03-1963 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Spears- Virginia | Spears- Virginia | C03-1786 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Stevenson- Louretha | Stevenson- Louretha | C01-2009 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| Louisiana | Stevenson- Louretha | Stevenson- Renee | C01-2009 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| Louisiana | Temple- Loretta | Magallan- Janette | C02-0911 | 5/21/2002 | 7/5/2002 | 7/29/2002, 8/23/2002 |
| Louisiana | Thomas, Sr Lionel | Thomas, Sr Lionel | C02-1754 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Thomas- Loretta | Thomas- Loretta | C03-2185 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Timmons- Gloria | Timmons- L.T. | C03-1654 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Victor- Rummell | Victor- Rummell | C02-1733 | 9/13/2002 | 10/28/2002 | 11/4/2002, 4/15/2003 |
| Louisiana | Washington- John | Washington- John | C02-1744 | 7/2/2002 | 8/16/2002 | 11/4/2002 |
| Louisiana | Washington- Ollie | Washington- Ollie | C03-1788 | 1/30/2003 | 3/17/2003 | 4/1/2003 |
| Louisiana | Williams- Annie B. | Williams, Annie B. | C01-2069 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| Louisiana | Williams- Beatrice | Williams- Beatrice | C02-1761 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Louisiana | Williams- Jacqueline | Williams- Jacqueline | C03-1508 | 1/30/2003 | 3/17/2003 | 3/28/2003 |
| Louisiana | Wilson- Glenda Gale Gonzaque | Gonzaque-Wilson- Glenda Gale | C03-1950 | 3/6/2003 | 4/21/2003 | 5/9/2003 |
| Louisiana | Wright- Louis | Wright- Louis | C01-2073 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| Minnesota | Oakes- Tracey | Oakes- Tracey | C02-2063 | 11/13/2002 | 12/30/2002 | 1/13/2003 |
| Mississippi | Brisco- James | Brisco- James | C02-2608 | 3/11/2003 | 4/25/2003 | 5/9/2003 |
| Mississippi | Ingram- Florence | Burrage- Fannie | C02-2533 | 3/11/2003 | 4/25/2003 | 5/9/2003 |
| Mississippi | Ingram- Florence | Latiker- Sarah | C02-2533 | 3/11/2003 | 4/25/2003 | 5/9/2003 |
| Mississippi | Ingram- Florence | Roby- Lillie | C02-2533 | 3/11/2003 | 4/25/2003 | 5/9/2003 |
| Mississippi | Malone- Irvin | Malone- Irvin | C03-0210 | 3/24/2003 | 5/8/2003 | 5/12/2003 |
| New Jersey | Maynard-Eddie | Maynard-Eddie | C030429 | 4/8/2003 | 5/22/2003 | 5/29/2003 |
| New Mexico | Jones- Raymond | Jones- Raymond | C03-0438 | 4/15/2003 | 5/30/2003 | 6/12/2003 |
| New York | DeLatte- Laura | Hains- Bernie | C02-0363 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| New York | DeLatte- Laura | Reta- John | C02-0363 | 3/21/2002 | 5/6/2002 | 5/15/2002 |
| Tennessee | Anderson- Virginia | Anderson- Virginia | C02-0284 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Tennessee | Bell- Joy | Bell-Joy | C02-0369 | 3/21/2002 | 5/6/2002 | 5/14/2002 |
| Tennessee | Bell- Richard | Bell- Richard | C02-0370 | 3/21/2002 | 5/6/2002 | 10/18/2002 |
| Tennessee | Doggett- Martha | Doggett- Martha | C02-0368 | 3/21/2002 | 5/6/2002 | 5/14/2002 |